

## REMARKS

In response to the Office action dated December 22, 2008, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 2 and 5-11 are pending in the present Application. No claims have been amended, cancelled or added, leaving Claims 1, 2 and 5-11 for consideration upon entry of the present amendment.

No new matter has been introduced. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

### Claim Rejections Under 35 U.S.C. §103

The Examiner has rejected Claims 1, 2 and 5-11 under 35 U.S.C. §103(a) as being unpatentable over Kitagawa et al., U.S. Patent Publication No. 2002/0054262 (hereinafter "Kitagawa") in view of U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538. (Final Office Action 12/22/08, page 2) Applicants respectfully traverse the rejections.

Independent Claim 1 is directed to a flat panel display device, comprising *inter alia* a transparent protecting part disposed on an outer surface of the image display part perceived by user's eye for protecting a surface of the image display part from an external shock or foreign matters, the transparent protecting part having a hardness of at least 2H so as to resist the external shock, and having a corrosion resistance so as to be cleaned by water or cleanser, wherein light passing through the transparent protecting part from the image display part is the same as light emitted from the image display part, such that the light passing through the transparent protecting part is not compensated.

Independent Claim 9 is directed to a flat panel display device comprising *inter alia* a polarizing plate including: a polarizing film, and a protecting layer laminated to the polarizing film and protecting the polarizing film, and disposed on at least one surface of the liquid crystal display panel for polarizing light emitted from the liquid crystal display panel; and a transparent protecting part disposed on the polarizing plate, the transparent protecting part having a hardness of at least 2H so as to resist the external shock, and having a corrosion resistance so as to be cleaned by water or cleanser and, light passing through the transparent protecting part from the

image display part is the same as light emitted from the image display part, such that the light passing through the transparent protecting part is not compensated.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Kitagawa teaches a wide viewing angle polarizing plate capable of forming a liquid crystal display. (Abstract) Kitagawa teaches that a transparent protective layer 12 may be used and that the transparent protective layer 12 is excellent in transparency, mechanical strength, thermal stability, moisture shielding property, isotropic property, and others. (Paragraph [0022]) However, Kitagawa does not teach all elements of the presently claimed invention.

The instant specification teaches that:

The surface of the television set comes most frequently into contact with users inevitably, so that the liquid crystal display panel of the television set is easily damaged by an external shock and foreign matters are easily adhered to the surface of the liquid crystal display panel. A frequently repeated external shock damages the upper polarizing plate of the liquid crystal display panel, so that the image is distorted. In addition, the foreign matters adhered to the surface of the liquid crystal display panel also make the image distorted. Furthermore, when users familiar with a cathode-ray tube (CRT) of the television set clean the surface of the liquid crystal display panel up, the upper polarizing plate can also be damaged by cleansers, so that the image can be distorted.

(Page 3, lines 2-11)

[A] protecting sheet is installed to the LCD device of the television set to thereby absorb the exterior shock. Furthermore, the foreign matters stained on the screen can be easily removed by using warm water or a detergent. Cleaning the screen of the television set without the protecting sheet by using the warm water of the detergent causes damage to the first polarizing plate which results in image distortion. The protecting sheet

*inter alia* strongly resists the external shock to thereby be able to protect the polarizing plate without damage.

(Page 9, lines 6-13 and 15-16)

The protecting sheet 200 is formed to be transparent without polarizing characteristic, so that light passing through the first polarizing plate 140 can transmit thereto [sic] without distortion.

(Page 9, lines 17-19)

Thus the present specification teaches the importance of having a protecting sheet that is both resistant to external shock and that can easily withstand cleaning with cleaning agents such as warm water or detergent i.e. is resistant to corrosion.

While Kitagawa teaches a transparent protecting part, Kitagawa does not teach a transparent protecting part having a hardness of at least 2H so as to resist the external shock, and having a corrosion resistance so as to be cleaned by water or cleanser, wherein light passing through the transparent protecting part from the image display part is the same as light emitted from the image display part, such that the light passing through the transparent protecting part is not compensated. In fact, Kitagawa is silent with regard to a need for protecting the polarizing film from external shock and is also silent with regard to the corrosion resistance of the protecting part.

In addition, Kitagawa teaches away from light passing through the transparent protecting part from the image display part is the same as light emitted from the image display part, such that the light passing through the transparent protecting part is not compensated. In particular, Kitagawa discloses that "[t]he polarizing plate of the present invention is constructed in such a manner that a transparent protective layer made of a compensating plate is provided on at least one surface of the polarizing film. The compensating plate may be a suitable one for the purpose of preventing coloring due to change in the viewing angle based on the retardation by a liquid crystal cell or enlarging the viewing angle with a good visibility." (Emphasis added).

(Paragraph [0018])

For at least these reasons, Kitagawa does not teach or even suggest all aspects of the presently claimed invention, and in fact teaches away from the present invention, and therefore there would be no motivation to modify the reference.

In making the rejection, the Examiner states that U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538 teach a highly transparent protecting layer having a hardness of at least 2H for achieving advantages such as resisting the external shock and resisting corrosion and therefore it would have been obvious to employ a protecting part having a hardness of at least 2H for achieving advantages such as resisting the external shock and corrosion. (FOA 12/22/08, page 2)

First, it is respectfully submitted that the Examiner omits what reference number of each of the references the Examiner relies on for “a highly transparent protecting layer”, thus making it difficult, if not impossible, to argue the Examiner’s contention with respect to U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538.

Nevertheless, as discussed previously, the present specification teaches that the protective screen may be used to protect the upper polarizing plate of a television screen. Consequently, in order to ensure that light, and images transmitted through the television screen are observed by the viewer, the protective coating/sheet would have to be optically transparent. As such, the instant specification teaches that the protecting sheet is formed to be transparent without polarizing characteristic, so that the light passing through the first polarizing plate can transmit thereto without distortion. (Page 9, lines 17-19)

However, even if the U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538 teach a highly transparent protecting part as alleged by the Examiner, Applicants assert that one of skill in the art would not be motivated to replace the compensation plate of Kitagawa with any alleged highly transparent protecting layer of any of the U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538, since Kitagawa teaches away from light passing through the transparent protecting part from the image display part is the same as light emitted from the image display part, such that the light passing through the transparent protecting part is not compensated. In particular, Kitagawa discloses that “[t]he polarizing plate of the present invention is constructed in such a manner that a transparent protective layer **made of a compensating plate is provided on at least one surface of the polarizing film. The**

compensating plate may be a suitable one for the purpose of preventing coloring due to change in the viewing angle based on the retardation by a liquid crystal cell or enlarging the viewing angle with a good visibility." (Emphasis added). (Paragraph [0018]) Thus the transparent protecting layer disclosed in Kitagawa is made of a compensating plate for the purpose of preventing coloring due to change in the viewing angle based on the retardation by a liquid crystal cell or enlarging the viewing angle with a good visibility. Accordingly, one of skill in the art would not be motivated to replace the transparent protecting layer of Kitagawa with one of the alleged transparent protecting layers of U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538. Likewise, there is no suggestion or motivation in either Kitagawa or U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538 to use the transparent protecting layer of Kitagawa with an additional protecting layer allegedly disclosed in U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538.

Therefore, for at least these reasons, there would be no motivation to combine Kitagawa with any of U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538.

Neither Kitagawa nor U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538, either alone or in combination, teach or suggest a transparent protecting part disposed on an outer surface of the image display part perceived by user's eye for protecting a surface of the image display part from an external shock or foreign matters, the transparent protecting part having a hardness of at least 2H so as to resist the external shock, and having a corrosion resistance so as to be cleaned by water or cleanser, wherein light passing through the transparent protecting part from the image display part is the same as light emitted from the image display part, such that the light passing through the transparent protecting part is not compensated as recited in independent claim 1, and similarly recited in independent claim 9. For at least this reason, the combination of Kitagawa and U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538 do not teach or suggest each and every element of the invention. Further, as U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607, 5,387,463 and 5,084,538 do not make up for the deficiencies of Kitagawa, there would be no motivation to combine the references.

Applicants therefore believe that the Examiner has not made a *prima facie* case of obviousness over Kitagawa in view of U.S. Patent Nos. 6,727,566, 5,451,695, 5,393,607,

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5,387,463 and 5,084,538. Applicants respectfully request a withdrawal of the rejection and an allowance of the claims.

Conclusion

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection(s) and rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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